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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,168	06/29/2005	Christopher A Brumm	3161-315	4386
35973 7590 05/17/2007 BINGHAM MCHALE LLP 2700 MARKET TOWER 10 WEST MARKET STREET INDIANAPOLIS, IN 46204-4900			EXAMINER PRAKASAM, RAMYA G	
			ART UNIT 3651	PAPER NUMBER
			NOTIFICATION DATE 05/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/541,168

Applicant(s)

BRUMM, CHRISTOPHER A

Examiner

Ramya G. Prakasam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/29/05, 2/27/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention II, drawn to claims 8-27, in the reply filed on 2/26/2007 is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the static members, as claimed in Claim 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The claims are objected to because, as provided in 37 CFR 1.75(i), where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, Claim 8 states that the lobes of the rollers support the product at a first vertical height and that a static member supports the product at a second vertical height. However, according to the figures and the specification, the lobes of the rollers, which are not static, produce both the first vertical height and the second vertical height (See Figures 4 and 5). Therefore, it is unclear as to what the static member refers to, and how the second vertical height is obtained.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10-12 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. The term "about" in claims 10-12 and 23-25 is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 8-17, 20-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodlewsky (U.S. Patent No. 5,330,045).

Hodlewsky discloses an apparatus for conveying a product, comprising:

- A plurality of roller shafts (see Figure 1);
- A plurality of driven rollers supported by each roller shaft (48 – See Figures 1 and 3);
- Each said roller having an outer surface and a plurality of lobes placed circumferentially around the outer surface (See Figures – rounded projections) and a static member having a top surface and a length extending from between a first pair of said rollers of a first said shaft to between a second pair of said rollers of a second said shaft;
- Wherein said lobes support the product at a first vertical height (See Figures), and the top surface of the static member is adapted and configured to support a portion of the

- product between a pair of said rollers at a second vertical height different (between the rollers on the plurality of roller shafts) than the first vertical height.
- Wherein said rollers are slippable rollers slippably driven by the outer diameter of the corresponding said shaft (see Column 6, lines 3-21).
 - Wherein the first vertical height is greater than the second vertical height and the difference between the first vertical height and the second vertical height is more than about one half of a millimeter and less than about two millimeters (See Figure 3).
 - Wherein the first vertical height is greater than the second vertical height and the difference between the first vertical height and the second vertical height is more than about one half of a millimeter and less than about one and one-half millimeters (See Figure 3).
 - Wherein said static member has a width and the width is greater than about one half of a millimeter and less than about two millimeters (See Figure 3).
 - Wherein said static member is supported by a plurality of said roller shafts (see Figure 3).
 - Wherein said static member includes a plurality of slots, said corresponding shafts supporting said static member at said slots (see Figure 3 – between each roller is a corresponding slot).
 - Means for interlocking adjacent driven rollers, such that the lobes of one adjacent roller have a predetermined angular relationship to the lobes of the other adjacent roller (See Figure 3).

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- Wherein said interlocking means establishes a single predetermined angular relationship between all the lobes of one adjacent roller to all the lobes of the other adjacent roller (See Figure 3)
- Wherein said first pair of rollers are not interlocked together and the second pair of rollers are not interlocked together (see Figure 3 – groups are interlocked together).

Hodlewsky further discloses an apparatus for conveying a product, comprising:

- A roller shaft having a smooth outer diameter (See Figures 20 – 21);
- A plurality of rollers rotatably supported by said roller shaft (See Figures),
- Each said roller having an outer surface and a plurality of lobes placed circumferentially around the outer surface, each said roller having an inner diameter adapted and configured for being slippably driven by said shaft (See Figures and Column 6, lines 3-21).
- Means for coupling together said plurality of rollers such that said rollers rotate in unison (See Figures 1 and 3).

Hodlewsky also discloses an apparatus for conveying a product comprising:

- A roller shaft having an outer diameter (See Figures 20 and 21);
- A plurality of rollers supported by the outer diameter of said roller shaft (See Figures 20 and 21);
- Each said roller having an outer surface and a plurality of equally-spaced lobes placed circumferentially around the outer surface (See Figures 1 and 3),
- Wherein adjacent said rollers are in fixed relationship to each other such that there is a predetermined angular offset from a lobe of one said roller to a lobe of the adjacent

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- said roller and the angular offset is more than about 14 degrees and less than about 56 degrees (See Figure 3).
- Wherein the angular offset is more than about 21 degrees and less than about 37 degrees (See Figure 3).
 - Wherein the angular offset is more than about 24 degrees and less than about 32 degrees (See Figure 3).
 - Wherein at least one side of each roller includes a plurality of equally-spaced interlockable members, and the number of interlockable members is equal to the number of lobes (See Figure 3).
 - Wherein said shaft includes at least two adjacent rollers which are in fixed relationship to each other by interlocking of the interlockable members of one of said adjacent roller to the interlockable members of the other said adjacent roller (See Figure 3).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodlewsky in view of Meishner (U.S. Patent No. 6,148,991).

Hodlewsky discloses all claimed limitations, except for a conveying apparatus wherein the product is a stack of paper products. Meishner discloses the use of a conveying apparatus

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with roller-shaft engagement that conveys stacks of paper products (See Abstract) for the purpose of allowing the rollers to contact the undersides of the lowermost sheets of the stacks such that sheets will not be shifted in transport (See Abstract and Column 2, lines 35-45). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hodlewsky by conveying stacks of paper products for the purpose allowing the rollers to contact the undersides of the lowermost sheets of the stacks such that sheets will not be shifted in transport.

13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodlewsky in view of Clopton (U.S. Patent No. 6,062,378).

Hodlewsky discloses all claimed limitations, except for a spring. Clopton discloses a spring (16 – See Figure 5) for the purpose of creating a force that will push the rollers toward each other (See Column 2, lines 50-54). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hodlewsky by utilizing a spring for the purpose of creating a force that will push the rollers toward each other.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

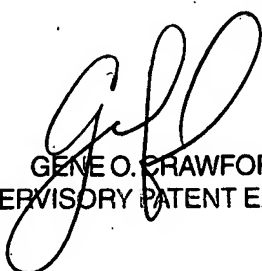
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/13/2007
RGP


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER